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EXAMINER

RONES, CHARLES

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,354

Applicant(s)

JACOBSEN ET AL.

Examiner

Charles Rones

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 54-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 and 44-53 is/are rejected.
- 7) ☐ Claim(s) 42 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 31 and 32 are objected to because of the following informalities: They contain typographical errors "(i.e., "[SAM...]".

Claims 40 and 41 are objected to because of the following informalities: The claims should be re-written to contain the limitations of the independent claim that they attempt to incorporate.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 3-13, 50 and 53 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Mental processes and abstract ideas are not patentable. The process of approving by a human editor if contents are deemed relevant or not, is a mental process and/or an abstract idea.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28, 30-34, 36-41, and 44-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan U.S. Patent No. 6,665,659 ('Logan').

Logan discloses:

As to claims 1 and 40-41,

traversing links between sites on the computer network; See 3:6-35; 6:40-50;

filtering the contents of each site visited to determine relevancy of content; See 2:50-59; 7:6-37; and

presenting information on each site deemed relevant for indexing; See 7:6-37.

As to claim 2,

filtering the contents of a site at least a second time for relevancy, prior to the step of presenting; See 7:6-37.

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As to claim 3,

presenting the contents to a human editor; See 4:20-41;

approving, by the human editor, if the contents are deemed relevant; See 4:20-41 and

disapproving, by the human editor, if the contents are not deemed relevant; See 4:20-41.

As to claim 4,

passing the contents of the site through a lexicon-based filter, the filter comparing contents of the site with terminology found in the lexicon; See 4:65-67; 7:25-59.

As to claim 5,

passing the contents of the site through a lexicon-based filter comprises the steps of breaking up a web page corresponding to the site contents into component parts; See 4:65-67; 7:25-59; and

comparing the contents of each component part with the lexicon; See 3:42-51; 5:25-46; 7:55-67.

As to claim 6,

assigning a weight to each component part based on a result of the step of comparing; See 4:45-67; and

deeming the component part to be relevant if it achieves a high-enough weight;

See 4:45-67; 5:1-10.

As to claim 7,

assigning a weight to each word, term, or expression in the component part that matches a word, term, or expression in the lexicon, according to a weight associated with the word, term, or expression; See 4:45-67; 5:1-10; and

accumulating a sum of assigned weights, the sum forming the weight assigned to the component part; See 4:45-67; 5:1-10.

As to claim 8,

saving component parts deemed to be relevant and passing them to the presenting step; See 4:45-67; 5:1-10; and

discarding component parts deemed not to be relevant; See 4:45-67; 5:1-10.

As to claim 9,

wherein the step of passing the contents of the site through a lexicon-based filter further comprises the steps of: if at least one component part is deemed to be relevant, passing the web page to the presenting step; See 7:1-25; and

if no component part is deemed to be relevant, discarding the web page; See 7:1-25.

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As to claim 10,

comparing the contents of a web page corresponding to the site with the lexicon;

See 4:45-67; 6:26-55.

As to claim 11,

assigning a weight to the web page based on a result of the step of comparing;

and deeming the web page to be relevant if it achieves a high-enough weight; See 4:45-67; 5:1-10.

As to claim 12,

assigning a weight to each word, term, or expression in the web page that matches a word, term, or expression in the lexicon, according to a weight associated with the word, term, or expression; and accumulating a sum of assigned weights, the sum forming the weight assigned to the web page; See 4:45-67; 5:1-10.

As to claim 13,

saving the web page and passing it to the step of presenting if it achieves a high-enough weight; See 4:45-67; 5:1-10; and

discarding the web page if it does not achieve a high-enough weight; See 4:45-67; 5:1-10.

As to claim 14,

passing the contents of the site through a lexicon-based filter, the filter comparing contents of the site with terminology found in the lexicon; See 4:45-67; 5:1-10.

As to claims 15-28, 31-34, 36-39, 45-48, and 50-53,

They are combinations and subcombinations of previously addressed limitations and are rejected for their respective reasons as stated above.

As to claim 30,

determining a site ranking for each site associated with information found in said searching step, where the determining is according to how interesting at least one of authors and users of the computer network have found the site associated with the information; See 4:26-44.

As to claim 49,

wherein the software further comprises at least a second filter; See 4:42-45.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan U.S. Patent No. 6,665,659 ('Logan') in view of Smith, II U.S. Patent Publication No. 2002/0111847 ('Smith').

As to claim 29,

Smith discloses the claimed invention except for the displaying information found in said step of searching in a hierarchical format. Logan teaches that it is known to display information found in said step of searching in a hierarchical format. It would have been obvious to one having ordinary skill in the art at the time the invention was made to display information found in said step of searching in a hierarchical format as taught by Smith, since Smith states at paragraph 31, that such a modification would otherwise be difficult to assign rank to a target URL if the links are not displayed in a hierarchical format.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan U.S. Patent No. 6,665,659 ('Logan') in view of Kim et al. U.S. Patent Publication No. 2002/0129014 ('Kim').

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As to claim 35,

Logan discloses the claimed invention except for assigning a word score for that word further comprises the step of increasing the word score for each site containing a link to the site if the word appears in close proximity to the link. Kim teaches that it is known to assign a word score for that word further comprises the step of increasing the word score for each site containing a link to the site if the word appears in close proximity to the link. It would have been obvious to one having ordinary skill in the art at the time the invention was made to assign a word score for that word further comprises the step of increasing the word score for each site containing a link to the site if the word appears in close proximity to the link as taught by Kim, since Kim states at paragraph [0084] that such a modification would an indication of the presence and proximity of a given keyword in the title.{PRIVATE }

Claims 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan U.S. Patent No. 6,665,659 ('Logan') in view of Lambert et al. U.S. Patent No. 6,629,138 ('Lambert').

As to claim 42,

Logan discloses the claimed invention except for monitoring a depth for each link, the depth being a reflection of relevance. Lambert teaches that it is known to monitor a depth for each link, the depth being a reflection of relevance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to monitor a depth for each link, the depth being a reflection of relevance as taught by Lambert, since Lambert states at column 15, lines 25-67 and column 16, lines 1-19 that such a modification would allow predicting where a user may go given their current location.{PRIVATE }

Allowable Subject Matter

Claims 42 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an Examiner's statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose, make obvious, or otherwise suggest the structure of the applicant's method of compiling and accessing subject-specific information from a computer network wherein for a given site being visited, setting depths of any links leading from that site to other sites to a depth of a link traversed to reach the given site; if the given site is determined to be relevant in the filtering step, setting the depths of the links leading from that site to zero; and if the

given site is determined not to be relevant in the filtering step, incrementing the depths of the links leading from that site together with the other limitations of the independent claims. {PRIVATE }

The dependent claims being further limiting and definite are also allowable. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance .

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Rones whose telephone number is 571-272-4085. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "C. Rones".

Charles Rones
Primary Examiner
Art Unit 2164

March 15, 2005